

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Donnia L. Griffin,)	
)	
Plaintiff,)	C/A No.: 3:05-1299-MBS-JRM
)	
vs.)	
)	ORDER
Commissioner of Social Security,)	
)	
Defendant.)	
)	

Plaintiff Donnia L. Griffin brings the within action pursuant to 42 U.S.C. § 405(g), seeking judicial review of the “final decision” of the Commissioner denying her claims for Supplemental Security Income and Disability Insurance Benefits.

This matter is before the court on the Commissioner’s motion to dismiss or, in the alternative, for summary judgment, which motion was filed September 15, 2005. The Commissioner contends that Plaintiff failed to timely file this action within sixty days after notice of the final decision of the Commissioner was mailed to Plaintiff. See 42 U.S.C. § 405(g), 20 C.F.R. § 422.210(c). Plaintiff filed a response on September 29, 2005.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Joseph R. McCrorey for a Report and Recommendation. On May 17, 2006, the Magistrate Judge filed a Report and Recommendation in which he determined that filing was timely. Accordingly, the Magistrate Judge recommended that the motion to dismiss or for summary judgment be denied. No party filed objections to the Report and Recommendation.

The court is charged with making a *de novo* determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter

to the Magistrate Judge with instructions. 28 U.S.C. § 636(b). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and the record in this case, the court adopts the Report and Recommendation and incorporates it herein by reference. Accordingly, the Commissioner's motion to dismiss or for summary judgment is **denied**. The matter is recommitted to the Magistrate Judge for a Report and Recommendation on the merits.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

June 12, 2006.